

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 19-274 (WMW/KMM)

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) GOVERNMENT'S TRIAL BRIEF
)
JOHN EDWARD JUNEAU,)
)
)
Defendant.)

The United States of America, by and through its undersigned attorneys, W. Anders Folk, Acting United States Attorney for the District of Minnesota, and Thomas M. Hollenhorst, Assistant United States Attorney, hereby submits its trial brief to aid the Court in resolving issues that may arise during the trial of the above-captioned case.

I. Trial Counsel

The following is a listing of the names, addresses, telephone numbers and e-mail addresses of the attorneys who will appear as trial counsel in the case:

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II. Length of Trial

The government believes the trial in this matter will last approximately four days assuming jury selection and charging lasts no more than one day.

III. Summary of the Facts

A. Search Warrant on February 1, 2019

The evidence will show that on February 1, 2019, the police executed a search warrant at an address on Monroe Street in Columbia Heights, Minnesota. Gov't Exh. 1. The police discovered the defendant in the detached garage of the residence along with three other people. Gov't Exh. 2-3. Det. Derek Eckstrom noticed a pair of men's overall bibs (matching the defendant's size) draped over a large propane tank near where the defendant was standing. Gov't Exh. 4. The police found a cloth glasses case in a pocket of the bibs, which contained three plastic bags. Gov't Exh. 5-8. The bags contained 23.856 grams of methamphetamine (99% pure), 1.227 grams of methamphetamine, and 0.077 grams of methamphetamine. Gov't Exh. 14, 75. The defendant was arrested and his buccal DNA was collected by Det. Paul Bonesteel on March 12, 2019. Gov't Exh. 9-10. When compared to DNA swabbings of the plastic bags, Forensic Chemist Anne Ciecko determined that the DNA found on the 23.856-gram sample and the 1.227-gram bag sample matched the defendant's DNA. Gov't Exh. 11-13, 15. As to the 23.856-gram sample, Ms. Ciecko determined that the DNA was "a mixture originating from four individuals" with the major profile matching the defendant. Gov't Exh. 15. She also determined that the "[m]ajor profile would not be expected to occur more than once among unrelated individuals in the world population." As to the 1.227-gram sample,

Ms. Ciecko determined that the DNA was “a mixture originating from four individuals” and that “[t]his mixture is greater than one billion times more likely if it originated from [the defendant] and three unknown unrelated individuals than if it originated from four unknown unrelated individuals.” *Id.*

B. Search Warrant on July 9, 2019

The evidence will show that on July 9, 2019, the police executed a search warrant at a residence on 106th Avenue in Coon Rapids, Minnesota. Gov’t Exh. 16-17. When officers approached, Off. Thomas Strusinski saw the defendant trying to exit the southeast basement bedroom window of the residence. Gov’t Exh. 18. Off. Strusinski saw the defendant leave a bag outside the window, which contained a safe. Gov’t Exh. 19. The safe, in turn, contained, among other things, \$6,000 in cash, a wrapper for a 100-bag container of 5x8-inch plastic bags, and numerous empty plastic bags. Gov’t Exh. 20-21. Det. Jonathan Tschida and Det. Daniel Rose entered the dwelling and saw the defendant and his girlfriend, Crystal Marie Bolan, run out of the southeast basement bedroom. Gov’t Exh. 22-23. They searched the bedroom and seized, among other things, a plastic bin and a cardboard box, which contained 2.596 grams of methamphetamine (99% pure), and 29.162 grams of methamphetamine (99% pure), respectively. Gov’t Exh. 24, 26-31, 73, 75. The officers also seized various documents linking the defendant to the southeast basement bedroom and several plastic bags near the windowsill of the bedroom similar to those seized from the safe. Gov’t Exh. 25, 32-36.

The police also searched the garage located on the north side of the property. Gov’t Exh. 36, 84. Det. Strusinski, Det. Eckstrom, and Det. Joel Ramirez seized various

items from within and atop the cabinets located in the northwest corner of the garage including a Ruger, .380 caliber pistol, serial number 371497554 (with a magazine and ammunition), a Ruger, .22 caliber pistol, serial number 10-59343 (with a magazine and ammunition), two scales, 40.147 grams of high purity methamphetamine (in six separate plastic bags), several empty plastic bags, and documents and records for the defendant in close proximity to these items. Gov't Exh. 37-61, 75. The defense has stipulated that the pistols were manufactured outside the State of Minnesota and meet the definition of "firearms" under federal law. Gov't Exh. 76. The defense has also stipulated that the defendant had previously been convicted of a crime punishable by imprisonment of one year or more and that he knew so at the time of the seizure of the firearms. Gov't Exh. 77. These stipulations will obviate the need to introduce evidence of the defendant's extensive felony conviction record and to call a firearms expert. *See* Gov't Exh. 91-103. The police also identified several motor vehicles on the property owned by the defendant including a 1999 Suzuki motorcycle that was found in the north garage near the drugs and firearms. Gov't Exh. 62, 85-89.

Det. Eckstrom processed the firearms on the scene. They were later swabbed for DNA by Det. Brad Baker. Gov't Exh. 67-70. Det. Jonathan Tschida collected DNA from the defendant and Bolan the next day. Gov't Exh. 63-66. The lab also swabbed various drug samples for DNA. Gov't Exh. 71-72. Ms. Ciecko determined that DNA on the Ruger .22 caliber pistol was "a mixture originating from four individuals" and that "[t]his mixture is greater than one billion times more likely if it originated from [the defendant] and three unknown unrelated individuals than if it originated from four

unknown unrelated individuals.” Gov’t Exh. 74. Bolan was excluded as a contributor. *Id.* Ms. Ciecko also determined that the 29.162-gram sample from the southeast basement bedroom was “a mixture originating from two individuals” with a major profile for Bolan. *Id.* She determined that “[a]ssuming Crystal Marie Bolan is a contributor, this mixture is greater than one billion times more likely if it originated from Crystal Marie Bolan and [the defendant] than if it originated from Crystal Marie Bolan and an unknown unrelated individual.” *Id.* As to a 13.510-gram bag of methamphetamine found in the north garage, Ms. Ciecko determined that the DNA on the sample was “a mixture originating from three individuals” and that it was “at least 10 times more likely if it originated from [the defendant] and two unknown unrelated individuals than if it originated from three unknown unrelated individuals.” *Id.*

C. Jail House Calls on July 9, 2019

The evidence will show that on the evening of July 9, 2019, the defendant placed two calls to “Del” while he was confined in the Anoka County Jail. During these calls, the defendant instructed “Del” and “Joe” to retrieve a “plastic bag” that he further described as a “big one” and “about . . . a foot long” that’s “solid round” and “large” from a retaining wall outside of his southeast bedroom window. Gov’t Exh. 79-83. The two men proceeded to that location during the first call. Gov’t Exh. 79-80. In the second call, “Del” acknowledges that he has found the “white one.” Gov’t Exh. 81-82. The defendant appears elated and states, “that right there . . . saved a lot.” *Id.* During the calls, the defendant instructs the two men to contact “Coast” (believed to be Jamie Shore) and to bring the item to him. Gov’t Exh. 79-82. Knowing that they are being recorded,

the men speak cryptically about the identity of “Coast” and the nature of the item. *Id.* At one point in their first conversation, “Del” suggests that the item was “dirty diapers laying in the yard,” to which the defendant readily responds, “ah dirty diapers, that maybe that’s what it was.” Gov’t Exh. 79-80.

The government intends to call a drug expert, Special Agent Michael Flanagan, who will testify that drug traffickers often speak in code to describe drugs. He will also testify that the conversation between these men was consistent with a plan to possess and distribute approximately one pound of methamphetamine that the police missed during the search of the Coon Rapids residence. Agent Flanagan will also testify as to the ways, manners and means drug traffickers use to package and distribute methamphetamine; that most of the quantities seized in connection with this case are consistent with distribution; that the presence of scales, empty plastic bags, large sums of cash, and firearms in close proximity to methamphetamine is highly indicative of a distributor and not a simple possessor of drugs; and that drug traffickers commonly distribute drugs to others to help pay for their “habit.”

IV. Unresolved Issues

Consistent with the Court’s direction, the parties have spent several hours discussing the factual and legal issues presented by this case. There presently appears to be only one unresolved legal issue, namely, whether defense witness Marlin Meszaros is competent to

testify as an expert at trial. The government will file a separate motion in limine to address this issue.

Dated: August 24, 2021

Respectfully submitted,

W. ANDERS FOLK
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s/ Thomas M. Hollenhorst

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